



Notice of
Availability of Draft Document,
Public Comment Period, and
Public Workshops,



For the

Klamath River Total Maximum Daily Loads and Action Plan Addressing Temperature,
Dissolved Oxygen, Nutrient, and Microcystin Impairments

July 30, 2009

Purpose of Notice

Notice is hereby given that the California Regional Water Quality Control Board, North Coast Region (Regional Water Board) and United States Environmental Protection Agency (EPA) Region 9 are making available for public review and comment the Public Review Draft Staff Report for the Klamath River Total Maximum Daily Loads (TMDLs) and Action Plan Addressing Temperature, Dissolved Oxygen, Nutrient, and Microcystin Impairments (Public Review Draft). Written comments for this joint Regional Water Board and EPA Region 9 public comment period should be submitted to the Regional Water Board, as described below, by August 27, 2009. After the public comment period, the Regional Water Board staff will make any necessary revisions and propose the Klamath Basin TMDLs and associated Action Plan to the Regional Water Board as an amendment to the *Water Quality Control Plan for the North Coast Region*.

The Regional Water Board has been working collaboratively with EPA Regions 9 and 10, and Oregon Department of Environmental Quality (ODEQ) on the development of coordinated TMDLs for the Oregon and California portions of the Klamath River and the Lost River. Nutrient and temperature TMDLs for the Klamath River, from the Oregon border to the Pacific Ocean, are to be established by December 31, 2010 in accordance with the consent decree *Pacific Coast Federation of Fishermen's Associations, et al. v. Marcus* (No. 95-4474 MHP, 11 March 1997), amended in December 2007 (*Notice of Agreement to Modify Schedule for Establishment of Total Maximum Daily Loads* (filed in U.S. District Court for the Northern District of California)).

Should the nutrient and temperature TMDLs for the California Klamath River mainstem not be adopted by California in time to be approved by EPA Region 9 by December 31, 2010, EPA Region 9 would be required to establish federal TMDLs for the Klamath River by that date. EPA would not establish any implementation plan for these federal TMDLs, in that implementation plans are solely the responsibility of the state. To address the potential need for EPA to establish federal TMDLs for the Klamath River, EPA is jointly issuing this notice to solicit public comment on the Public Review Draft and to announce public workshops.

Overview of the Public Review Draft

The Public Review Draft includes the following elements:

- Pollutant load allocations and water quality targets associated with pollutant sources that contribute to the water temperature, nutrients, dissolved oxygen, and microcystin impairments in the Klamath River in California.
- An implementation plan for attaining the allocations and targets that identifies responsible parties and requires them to implement measures that control pollutant sources.
- A California Environmental Quality Act (CEQA) environmental analysis that evaluates the potential environmental impacts of reasonably foreseeable compliance measures.
- A plan to monitor water quality conditions in the Klamath Basin in California in comparison to the TMDL allocations and targets.
- Reporting requirements for responsible parties that track the implementation and effectiveness of compliance measures.
- An explanation of existing regulatory authorities the Regional Water Board may use to achieve compliance with the TMDLs.

The TMDL implementation plan will build upon on-going water quality control efforts in the Klamath River Basin in California by recommending additional measures where current efforts are not sufficient to meet TMDL requirements. The implementation plan will recommend the appropriate combination of Waste Discharge Requirements (WDRs), conditional waiver of WDRs, and/or prohibitions to make the TMDL implementation measures and discharger reporting requirements enforceable. The TMDL allocations and targets and the implementation plan are summarized in a TMDL Action Plan.

Availability of the Public Review Draft Documents

Chapters 1 through 5 of the Public Review Draft will be available for review on June 15, 2009. The remaining chapters of the Public Review Draft, including the TMDL Action Plan and CEQA environmental analyses, will be available for review on or before July 9, 2009. Copies of the proposed Public Review Draft will be available at the following Regional Water Board and EPA web sites:

<http://www.waterboards.ca.gov/northcoast/>

and

<http://www.epa.gov/region09/water/tmdl/progress.html>

Please contact Katharine Carter at 707-576-2290 or kcarter@waterboards.ca.gov if you have any problems accessing the documents via the website.

Additionally, copies will be made available at the following locations:

Siskiyou County Clerk's Office
510 North Main Street
Yreka, CA 96097

Arcata Public Library
500 7th Street
Arcata, CA 95521

Solicitation of Comments on the Public Review Draft

This joint notice solicits written comments on the Public Review Draft. The public comment period will start June 15, 2009, and continue for a period of 72 days. Written comments are due *no later than* **5:00 PM on Thursday, August 27, 2009**. The Regional Water Board will accept and review comment on both the proposed TMDL and the proposed Action Plan. EPA, should it be required to establish a federal TMDL, would review comments on the proposed TMDL and its accompanying technical report.

This notice is being provided pursuant to state and federal regulation. See Cal. Code Regs., tit. 14, §15087, 15105; Wat. Code, § 13244; Gov. Code, §11125; 11125.9 and 40 CFR § 130.7(d)(2). The comment period is designed to provide time for public commenting, while still supporting the schedule necessary for the Region Water Board to complete the TMDLs within the consent decree schedule.

Please address and submit written comments by August 27, 2009, via U.S. Postal Service, email, fax, or delivery, to the following address:

Katharine Carter
North Coast Regional Water Quality Control Board
5550 Skylane Blvd, Suite A
Santa Rosa, CA 95403
phone: 707-576-2290
fax: 707-523-0135
e-mail: kcarter@waterboards.ca.gov

Public and Regional Water Board Workshops

Regional Water Board staff, in conjunction with staff from EPA Region 9, EPA Region 10, and ODEQ will host public workshops to present the Public Review Draft and receive oral comments. Four workshops will be held at the following locations:

July 6, 2009, 6:00 PM

Oregon State University Ag Extension Office
3328 Vandenberg Road
Klamath Falls, OR 97603

July 7, 2009, 6:00 PM

Miner's Inn Convention Center
122 E. Miner Street
Yreka, CA 96097

July 8, 2009, 6:00 PM

Karuk Community Room
Karuk Department of Natural Resources
39051 Highway 96
Orleans, CA 95556

July 9, 2009, 6:00 PM

Yurok Tribal Headquarters
190 Klamath Blvd.
Klamath, CA 95548

Regional Water Board staff will host two additional Regional Water Board Workshops on the Public Review Draft. These Regional Water Board Workshops will be part of the regularly scheduled Board meetings:

July 22/23, 2009, time TBD
Hearing Room, Regional Water Board Office
5550 Skylane Blvd, Ste A
Santa Rosa, CA

September 10, 2009, time TBD
Meeting Location
To Be Determined Later

Separate notices for these Regional Water Board Workshops will be available on the Regional Water Board web site prior to the Board meetings. Parties interested in attending the July 22, 23 or September 10th Regional Water Board Workshops should check the meeting agendas at:

www.waterboards.ca.gov/northcoast/board_info/board_meetings/

Accessibility

Anyone requiring reasonable accommodation to participate in the public workshops should contact Jean Lockett, Executive Assistant, at 707-576-2307 at least five days prior to the scheduled meeting. The meeting locations are accessible to persons with disabilities. TTY users may contact the California Relay Service at 800-735-2929 or voice line at 800-735-2922.

Next Steps

After the close of the written comment period on August 27, 2009, Regional Water Board and EPA staff will review the comments received on the Public Review Draft. In addition, Regional Water Board staff will consider the oral comments presented at the public and Regional Water Board Workshops. Staff responses to the comments received, as well as any proposed changes to the Public Review Draft, will be available from the Regional Water Board prior to the Regional Water Board hearing considering approval of these documents.

It is anticipated that the Klamath TMDL will be presented for Regional Water Board approval at the October 28, 29, 2009 Board meeting in Klamath, California. A separate public notice of this Regional Water Board hearing will be issued prior to the October 2009 hearing date, and will provide information about the hearing procedures.

Staff Contacts

If you have any questions on the Regional Water Board's Klamath River TMDL, please contact:

Matt St. John at 707-570-3762 or by email at mstjohn@waterboards.ca.gov

Catherine Kuhlman
Executive Officer

July 30, 2009